

Lisa Klotz
lklotz@as.ua.edu
September 2011

Criminal Trials: Beyond Reasonable Doubt

What does it mean to prove guilt beyond a reasonable doubt? What is *unreasonable* doubt? In this course we will explore the science, psychology, culture, and law of evidence as it pertains to criminal trials.

Units of study/major assignments

For the first assignment, students will investigate the current state of a sub-field of forensic science that interests them (possibilities include DNA fingerprinting, ballistics, footprint pattern identification, voice spectography, polygraphy, handwriting analysis, bomb analysis, fire investigation, accident scene reconstruction, or bloodstain patterning). After reading different experts' perspectives on the validity or reliability of the methods examined, students will write an essay that analyzes, evaluates, and makes an argument about the method's use as evidence in a court of law.

For the second assignment, students will investigate how psychology is used in and outside of the courtroom. They might be interested in techniques for jury selection, the jury deliberation process, methods for evaluating a witness's credibility, the use of criminal profiling to identify suspects, or another topic they find through their research. After reading different experts' perspectives on the validity or reliability of the methods examined, students will write an essay that analyzes, evaluates, and makes an argument about the method's use in court proceedings.

For the third assignment, students will examine legal proof in the cultural imagination. Students will select a work of fiction—a novel, short story, play, television show, or film—that depicts a criminal trial (it may be a fictionalized version of an actual trial or a wholly imagined one). Essays might explore issues such as the sufficiency of the evidence, whether law can enforce or reflect morality and justice, whether justice was done, or the ethics of lawyers or law enforcement officers. Possibilities include *The Oresteia*, *Billy Budd*, *An American Tragedy*, *Native Son*, "A Jury of Her Peers," *The Accused*, *Presumed Innocent*, *Reversal of Fortune*, and *Law and Order*.

For the fourth assignment, students will choose a case involving questions of evidence or procedure in criminal law currently pending before the United States Supreme Court or the Alabama Supreme Court. They will write and deliver an oral argument that aims to persuade an audience of justices who should win and why.

Students will also write a reflective midterm and final exam. Thus, the units of study meet the course objectives, below.

Proposed textbooks:

Rottenberg, *The Elements of Argument*
Hacker, *A Writer's Reference*

Objectives

Goal #1 - Writing Process

Students will understand and use the processes of writing and revision as tools for analyzing topics and evaluating their own writing.

Related Objectives

- Prewrite for each paper assignment.
- Produce and revise drafts for each paper assignment.
- Obtain audience feedback on each draft from instructor and/or peers.
- Maintain a portfolio or writing folder containing a "paper trail" for each submitted paper (prewriting, drafts, peer feedback, final draft, grading remarks, or instructor feedback).

Goal #2 - Collaboration

Students will learn to collaborate productively.

Related Objectives

- Conference with course instructor and writing center tutors (if needed).
- Participate in peer feedback workshops (face-to-face or online), both giving helpful audience advice on a peer's writing AND reading peer advice as well as determining how that advice will be applied to a revision.
- During peer review sessions, focus feedback on content and organization. Address style and grammar concerns in later drafts.
- Understand the difference between revision, editing, and proofreading and at which stage in the writing process each is most productive.
- Develop revision strategies based on audience feedback on drafts.

Goal #3 - Rhetorical Strategies

Students will be exposed to a variety of rhetorical strategies and processes of analyzing; they will also understand the advantages associated with composing in different print, visual, and digital media.

Related Objectives

- Analyze assigned readings to distinguish facts from unsupported opinion, to determine inferences, and to understand reader and writer biases.
- Understand the importance of shaping a message to achieve the desired impact on a particular audience.
- Analyze readings to determine how authors employ rhetorical strategies and rhetorical appeals.
- Analyze visual/digital texts and/or compose visual/digital texts, paying attention to rhetorical strategies and rhetorical appeals.

Goal #4 - Purpose/Audience Awareness

Students will understand how to use writing strategies and processes to analyze and write about issues aimed at different audiences and for different purposes.

Related Objectives

- Participate in a variety of "write-to-learn" exercises.
- Read a variety of texts and analyze how they appeal to different audiences for different purposes.
- Produce a variety of texts designed to appeal to different audiences for different purposes.

Goal #5 - Conventions

Students will understand their part in the university discourse community and how its written conventions operate.

Related Objectives

- Understand the conventions of academic writing.
- Become familiar with the types of writing assignments students commonly encounter across the curriculum (e.g., summary, journals, reports, evaluations, comparisons, analyses, critiques, synthesis essays, and the like).
- Select the best evidence to develop a main claim and supporting claims.
- Present ideas in the most logical order to achieve each piece of writing's purpose.
- Use sentence style and word choices effectively.
- Write grammatical sentences with correct spelling, punctuation, and mechanics.

Goal #6 - Argumentation

Students will understand and apply the elements of formal argumentation in writing; will understand the differences between Aristotelian, Rogerian, and post-modern argumentation; and will understand that various disciplines apply these principles in different ways.

Related Objectives

- Practice writing using Aristotelian elements of argumentation, such as premises, deduction, logos, pathos, and ethos.
- Practice writing using Toulmin and post-modern elements of argumentation, such as claims, warrants/assumptions, and reasons.
- Practice writing using Rogerian elements of argumentation, such as negotiating and finding common ground.
- Analyze readings to determine effective or ineffective argumentation strategies.
- Respond to the opposition in each mode of argumentation.
- Create an arguable thesis statement and support it with relevant claims and evidence.
- Develop an argument that answers a research question and subsequently establishes an original position in the debate surrounding the topic.
- Learn to recognize and avoid logical fallacies.

Goal #7 - Research

Students will learn to locate source material both in the library and online, read and evaluate this material critically, analyze and summarize points of view and assumptions, and synthesize sources in order to write extended papers incorporating source material.

Related Objectives

- Understand the wealth of resources available in Gorgas Library and other libraries.
- Become familiar with and effectively use electronic databases.
- Understand the difference between primary and secondary sources and be able to use both.
- Learn to distinguish academic/scholarly sources from general/popular sources.
- Evaluate the credibility and reliability of all sources and the strengths and weaknesses of opinions contained in those sources.
- Practice successful note-taking strategies that also record full reference information.

Goal #8 - Documentation and Citation

Students will be able to demonstrate the appropriate and ethical use of academic research, understand that citation formats vary among disciplines, and use at least one format correctly.

Related Objectives

- Understand that different academic disciplines use different style manuals.
- Analyze, compare, and contrast at least two major citation formats.
- Accurately format a piece of writing using one of the learned citation formats.
- Analyze how research texts incorporate direct quotations, paraphrasing, and summarizing.
- Practice correct format for inserting short quotations and for setting off longer block quotations.
- Integrate quotations smoothly using signal phrases and correct punctuation, including quotation marks, ellipsis marks, and brackets.
- Use and cite summaries, paraphrases, and quotations correctly.
- Document sources correctly in a Works Cited page or Bibliography.

Goal #9 - Metacognition

Students will become conscious of their own development as writers.

Related Objectives

- Comment in writing on reasons for revisions in different stages of essay drafts.
- Submit a cover letter or reflective analysis discussing a revised essay's strengths, weaknesses, and the revision process, or submit such a letter for a final portfolio.
- Write in-class evaluations of peer review sessions.